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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 SECURITIES AND EXCHANGE
12 COMMISSION,

13 Plaintiff,

14 v.

15 NEWPOINT FINANCIAL SERVICES,
16 INC.; JOHN FARAH; GISSOU
RASTEGAR FARAH; and ELAHEH
AMONE,

17 Defendants.

18 and

19 TRIPLE "J" PLUS, LLC,,

20 Relief Defendant.
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) CASE NO. CV 10-0124-DDP(JEMx)

) **[REVISED] ORDER APPROVING**
) **MOTION TO: (1) APPROVE FINAL**
) **ACCOUNT AND REPORT; (2)**
) **APPROVE APPLICATION FOR**
) **FINAL RECEIVER'S FEES AND**
) **EXPENSES; (3) ESTABLISH**
) **LIQUIDATING TRUST; AND (4)**
) **DISCHARGE RECEIVER**

1 The Motion to: (1) Approve Final Account and Report; (2) Approve
2 Application for Final Receiver's Fees and Expenses; (3) Establish Liquidating Trust;
3 and (4) Discharge Receiver; Memorandum of Points and Authorities; Declarations
4 of James H. Donell, Byron Z. Moldo, Susan P. Tomlinson and Howard Grobstein
5 ("Motion"), having been filed with the Court, and notice of the Motion having been
6 provided to all interested parties, the matter came on regularly for hearing on
7 December 12, 2016 at 10:00 A.M. in Courtroom 9C of the above-entitled Court
8 before the Honorable Dean D. Pregerson, United States District Judge. Byron Z.
9 Moldo of Ervin Cohen & Jessup LLP ("ECJ") appeared on behalf of James H.
10 Donell, Permanent Receiver; James H. Donell, Permanent Receiver ("Receiver")
11 appeared; other parties appeared as reflected in the Court's minutes.

12 The Court having read and considered the Motion, the response of the
13 Securities and Exchange Commission to the Motion, hearing the statements and
14 comments of counsel, and determining that the establishment of a liquidating trust
15 as proposed by the Receiver in the Motion is not necessary, good cause appearing
16 therefor, the Court enters its order as follows:

17 1. IT IS HEREBY ORDERED that the Motion is approved, settled and
18 allowed herewith.

19 2. IT IS FURTHER ORDERED that the receivership established in this
20 matter is terminated, and the Receiver is discharged from all further duties,
21 liabilities and responsibilities.

22 3. IT IS FURTHER ORDERED that the Receiver's total fees and costs
23 are approved on a final basis in the amount of \$811,739.87 fees, and \$27,592.32
24 costs.

25 4. IT IS FURTHER ORDERED that the total fees and costs of Ervin
26 Cohen & Jessup LLP ("ECJ") are approved on a final basis in the amount of
27 \$2,553,421.70 fees, and \$150,526.27 costs.

1 5. IT IS FURTHER ORDERED that the total fees and costs of Crowe
2 Horwath LLP (“Crowe”) are approved on a final basis in the amount of \$940,000.00
3 fees, and \$10,778.67 costs.

4 6. IT IS FURTHER ORDERED that the total fees and costs of Grobstein
5 Teeple Financial Advisory Services, LLP (now known as Grobstein Teeple LLP)
6 (“Grobstein”) are approved on a final basis in the amount of \$71,503.50 fees, and
7 \$225.30 costs.

8 7. IT IS FURTHER ORDERED that all interim orders approving payment
9 of fees and costs to the Receiver, ECJ, Crowe, and Grobstein are ratified.

10 8. IT IS FURTHER ORDERED that the Receiver is authorized to pay the
11 Receiver the amount of \$123,135.78 fees which includes \$97,330.33 previously
12 approved but held back, and \$5,649.08 costs.

13 9. IT IS FURTHER ORDERED that the Receiver is authorized to pay
14 ECJ the amount of \$380,052.00 fees which includes \$318,826.75 previously
15 approved but held back, and \$13,071.32 costs.

16 10. IT IS FURTHER ORDERED that the Receiver is authorized to pay
17 Crowe the amount of \$24,538.79 fees, and \$11.95 costs.

18 11. IT IS FURTHER ORDERED that the Receiver is authorized to pay
19 Grobstein the amount of \$51,573.50 fees, and \$53.47 costs.

20 12. IT IS FURTHER ORDERED that after paying the outstanding amounts
21 due to the Receiver, ECJ, Crowe, and Grobstein, the Receiver is authorized and
22 instructed to distribute the remaining funds in his possession, on a pro rata basis, to
23 Court-approved claimants no later than December 31, 2016.

24 13. IT IS FURTHER ORDERED that the Receiver is authorized to assign
25 to James H. Donell, personally, the outstanding judgment in the amount of
26 \$13,431.12 and settlement agreement in the amount of \$14,100.00, as shown on
27 **Exhibit “H”** attached to the Application, and to execute any and all documents
28 associated therewith.

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1 14. IT IS FURTHER ORDERED that the Receiver and the Receivership
2 Estate shall be held free and harmless from any and all claims that may arise in the
3 future that relate to the Receiver and/or the Receivership Estate.

4 15. IT IS FURTHER ORDERED that all of the Receiver's acts,
5 transactions and all of his actions, including the actions of his employees, attorneys
6 and agents, as Receiver herein for the Receivership period are ratified, confirmed
7 and approved as being right and proper, and in the best interests of the Receivership
8 Estate and the parties to this action.

9 16. IT IS FURTHER ORDERED that all distributions for compensation
10 and costs to the Receiver, his attorneys and accountants made during the
11 Receivership Estate are ratified, confirmed and approved.

12 17. IT IS FURTHER ORDERED that the Receiver, his attorneys,
13 accountants, agents and/or employees and those acting on behalf of the Receivership
14 Estate are released from all liability for any and all claims, demands or causes of
15 action that may have directly or indirectly arisen from the administration of the
16 Receivership Estate prior to, during or after the Receivership period, that were not
17 brought before the Court before the time of hearing on the Receiver's final account
18 and report.

19 18. IT IS FURTHER ORDERED that the Receiver is directed to maintain
20 all books and records of the Receivership Estate for six (6) months from the date of
21 entry of this order, except as otherwise ordered by the Court.

22 19. IT IS FURTHER ORDERED that the Receiver is authorized to
23 abandon and/or destroy all books and records of the Receivership Estate under his
24 control no earlier than six (6) months after the date of entry of this order.

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27 DATED: December 12, 2016


THE HONORABLE DEAN D. PREGERSON
UNITED STATES DISTRICT JUDGE

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ORDER APPROVING MOTION TO: (1) APPROVE FINAL ACCOUNT AND REPORT; (2) APPROVE APPLICATION FOR FINAL
RECEIVER'S FEES AND EXPENSES; (3) ESTABLISH LIQUIDATING TRUST; AND (4) DISCHARGE RECEIVER